

CHAPTER: 700

Operational Security

DEPARTMENT ORDER:

711 – Notification of Inmate
Hospitalization or Death

OFFICE OF PRIMARY
RESPONSIBILITY:

OPS

Effective Date:

August 17, 2020

Amendment:

N/A

Supersedes:

DO 711 (5/30/13)

Scheduled Review Date:

April 1, 2023

ACCESS

☐ **Contains Restricted Section(s)**

Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A handwritten signature in black ink, appearing to be "David Shinn", written over a horizontal line.

David Shinn, Director

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PURPOSE

This Department Order establishes the process for notification of next of kin upon the hospitalization or death of an inmate in the Department's custody, and the procedures for disposition of the body of a deceased inmate.

PROCEDURES

- 1.0 INMATE NEXT OF KIN RECORDS** – Upon reception at a Department Reception Center, each inmate is required to complete the Notification in Case of Accident, Serious Illness or Death and Disposition of Personal Property, Form 711-1, to identify the next of kin for notification of hospitalization or death. This information shall be placed in the inmate's Master Record File and on the appropriate Arizona Correctional Information System (ACIS) screen. The inmate shall notify staff of any changes in this information. Information changes shall be updated by unit staff upon transfer from one unit to another.
- 2.0 ADMITTED TO A HOSPITAL INMATE NOTIFICATION** – When an inmate is admitted to a hospital overnight or is hospitalized with a serious life threatening injury or disability:
 - 2.1 Notifications to next of kin shall be made. Whenever possible, the inmate's consent, or refusal of consent shall be obtained and documented prior to notification. When the next of kin is another inmate within the custody of the Department, the next of kin inmate shall be notified in person by the unit Chaplain or shift supervisor within one hour of the decision to make notification.
 - 2.2 During normal business hours the Deputy Warden, in consultation with the contracted Medical Vendor, shall notify:
 - 2.2.1 The unit Chaplain of the specific medical condition of the hospitalized inmate. The unit Chaplain shall notify the next of kin by telephone within one hour of being contacted, when possible. The Chaplain shall prepare and submit an Information Report, Form 105-2.
 - 2.2.2 The Central Office Communications Center and submit a Significant Incident Report (SIR), Form 105-3. The Significant Incident Report shall not be submitted until notification of next of kin is complete.
 - 2.3 During non-business hours or in the absence of the unit Chaplain or when a Chaplain cannot be immediately contacted, the Off-Site Duty Officer and/or Complex shift supervisor, in consultation with the contracted Medical Vendor, shall notify:
 - 2.3.1 The next of kin by telephone within one hour of the decision to make notification, when possible or appropriate, and prepare an Information Report. A copy of the Information Report shall be provided to the unit Chaplain for appropriate follow-up.
 - 2.3.2 The Central Office Communications Center and shall submit a Significant Incident Report (SIR) form. The Significant Incident Report shall not be submitted until notification of next of kin is complete.
 - 2.4 With the Director's authorization all notifications may be delayed when security, sound correctional practice, or investigative reasons exist.

3.0 INMATE DEATH NOTIFICATION – In the event of an inmate death:

- 3.1 A licensed physician, physician's assistant, or registered nurse shall be required to confirm an inmate's death prior to the initiation of any notifications.
- 3.2 The Warden, Deputy Warden, Administrator or designee shall immediately notify the local Department Criminal Investigations Unit.
- 3.3 Each Department unit and/or private prison facility shall provide assistance to investigators, as needed, and in accordance with Department Order #608, Criminal Investigations. The inmate's cell and/or location of the body shall be considered a crime scene until released by the Criminal Investigations Unit. Unauthorized staff shall not enter the scene, or collect evidence, without authorization from the Criminal Investigations Unit. Staff shall not touch the body of the deceased except in situations where medical procedures are required.
- 3.4 During normal business hours the Deputy Warden, in consultation with the Warden and the Criminal Investigations Unit, shall notify the unit Chaplain of the death, who shall notify the next of kin by telephone within one hour of the decision to make notification, when possible.
- 3.5 During non-business hours, the absence of the unit Chaplain or when a Chaplain cannot be immediately contacted, the Off-Site Duty Officer and/or Complex shift supervisor, in consultation with the Warden and the Criminal Investigations Unit shall make the notification to next of kin by telephone within one hour of the decision to make notification and prepare an Information Report. Information shall be provided to the unit Chaplain for appropriate follow-up.
- 3.6 The Warden, Deputy Warden or designee shall:
 - 3.6.1 Notify the Central Office Communications Center and submit a Significant Incident Report (SIR) form. The Significant Incident Report form shall not be finalized until notification of next of kin is completed. The Central Office Communications Center and the Warden, Deputy Warden or designee shall coordinate all notifications in accordance with Department Order #105, Information Reporting.
 - 3.6.2 Ensure the Offender Services Bureau Administrator is notified of an inmate's death if the deceased inmate has an active detainer or is serving a concurrent custody sentence.
 - 3.6.3 Ensure the Interstate Compact Administrator is notified of an inmate's death if the inmate is in Department custody under an Interstate Compact agreement.
 - 3.6.4 Ensure the appropriate consulate office is notified if the deceased inmate is a foreign national. The consulate office may assist in notifying the next of kin and/or family, and in making arrangements to claim the body.
 - 3.6.5 Determine whether it is known that the inmate was a member of a federally recognized Native American Tribe in compliance with Arizona Revised Statute (A.R.S.) §36-831. The Department shall assist the Medical Examiner in notifying the tribe if requested, and shall recognize the tribe as next of kin and assist in ensuring the tribe has the opportunity to provide for burial or other funeral and disposition arrangements.
 - 3.6.6 Ensure the Victim Notification Unit is notified.

- 3.6.7 Ensure the Assistant Director for Medical Services and the Contractor's Statewide Chief Executive Officer are notified.
- 3.7 Private prison staff shall notify the Contract Beds Operations Director if an inmate dies while in custody at a private prison.
- 3.8 Notifications of the death of an inmate by other than apparent natural causes shall be completed in accordance with Department Order #207, Media Relations.
- 3.9 The Department's Criminal Investigations Unit shall:
 - 3.9.1 Cause an investigation to occur to explore the cause and manner of death.
 - 3.9.2 Notify the Medical Examiner immediately by telephone upon confirmation of the death by a licensed physician, physician assistant or nurse practitioner.
 - 3.9.2.1 To determine the cause and manner of death, the Medical Examiner will determine whether an autopsy, external examination, and/or medical records review will be performed.
 - 3.9.3 Notify the respective County Attorney by telephone when there is suspicion of death by violence or unnatural causes; followed by a written notification within one business day.
 - 3.9.4 Secure copies of death certificates from State Vital Statistics and autopsy reports from respective County Medical Examiners and provide copies to the Assistant Director for Medical Services.
- 3.10 The Assistant Director for Medical Services shall:
 - 3.10.1 Upon receipt of the death certificates from the Criminal Investigations Unit, file a copy into the Medical Services records system and forward a copy to Central Office Offender Information Unit for placement in the inmate's Master Records File.
 - 3.10.2 Receive from the Criminal Investigation Unit, a copy of the Medical Examiner's finding (autopsy report) as to cause and manner of death, for review and filing in Medical Services record systems.
 - 3.10.3 Notify the Media Relations Office and the Legislative Liaison of the manner and cause of death, if determined to be by other than natural causes.

4.0 CLAIM OF DECEASED INMATE

- 4.1 Upon the death of an inmate, the Warden, Deputy Warden or designee shall determine if the inmate's next of kin or family is willing to claim the body. Preference to claim the body shall be given to the next of kin or family as follows:
 - 4.1.1 Individual listed on signed Notification in Case of Accident, Serious Illness or Death and Disposition of Personal Property
 - 4.1.2 Surviving spouse
 - 4.1.3 Surviving adult child

- 4.1.4 Surviving parent
- 4.1.5 Surviving adult brother or sister
- 4.2 If the next of kin or family is willing to claim the body the Warden, Deputy Warden or designee shall notify the Medical Examiner to hold the body pending release.
- 4.3 If the next of kin or family is not willing to claim the body, the Warden, Deputy Warden or designee shall document the conversation in accordance with Department Order #105, Information Reporting, and place an entry on the ACIS Offender Comments Screen. The Warden or Deputy Warden will determine whether any other person or organization is willing to assume legal and financial responsibility in claiming the body. These persons or organizations may include, but are not limited to:
 - 4.3.1 The executor of the decedent's estate.
 - 4.3.2 The guardian of the decedent at time of death.
 - 4.3.3 Religious organizations or other groups that may wish to sponsor arrangements.
- 4.4 If the body is unclaimed the Warden, Deputy Warden or designee shall:
 - 4.4.1 Notify the next of kin/family that the body will be buried.
 - 4.4.2 Notify the County Medical Examiner to hold the body pending transportation to the designated contract mortuary.
 - 4.4.3 Establish if the next of kin/family wishes to claim the body. This information shall be provided to the mortuary.
 - 4.4.4 All unclaimed bodies shall be scheduled for interment at a location designated by the Department or at another location designated by the contract mortuary upon approval of the Department.
 - 4.4.5 Ensure the mortuary is provided the necessary information for the death certificate.

5.0 DISPOSAL OF THE DECEASED INMATE'S PROPERTY

- 5.1 Wardens or Deputy Wardens shall ensure the deceased inmate's property; funds and assets are inventoried, secured and released in accordance with Department Order #909, Inmate Property.
 - 5.1.1 Prior to the inmate's property or funds being released, the next of kin or family member will be required to complete an Affidavit for Collection of Personal Property, Form 909-2.
 - 5.1.2 If the deceased inmate's estate is probated, the property shall be released to the personal representative of the deceased inmate's estate upon presentation of a claim for collection of the property or court order.
 - 5.1.3 A copy of the testamentary letters appointing the deceased inmate's personal representative shall be presented to the Warden or Deputy Warden for verification of authority.

5.1.4 If the inmate's estate is not probated, the property shall be released to the deceased inmate's successor or heir upon presentation of a completed and notarized Affidavit for Collection of Personal Property.

5.1.4.1 The affidavit shall contain a statement that the value of the property in the estate does not exceed \$50,000, and that 30 days have elapsed since the inmate's death. Any checks shall be made payable to the person who presents the notarized affidavit.

5.2 The original copy of the claim and testamentary letter or affidavit shall become a permanent part of the inmate's property file. The property file shall be forwarded to the Offender Services Bureau, Offender Information Unit, for incorporation into the inmate's Master Record File.

5.3 If the deceased inmate is a minor (i.e., under the age of 18), the property may be released to the guardian of record. Release of property shall be documented.

6.0 MORTALITY REVIEW - The Regional Medical Director shall convene a Joint Mortality Review Committee (JMRC) meeting to review all inmate deaths in accordance with Department Order #1105, Inmate Mortality Review.

FORMS LIST

711-1, Inmate Authorization for Disposition of Personal Property

AUTHORITY

A.R.S. §11-593, Reporting of Certain Death, Failure to Report; Penalty

A.R.S. §14-3971, Collection of Personal Property by Affidavit; Ownership of Vehicles; Affidavit of Succession to Real Property

A.R.S. §32-1365.02, Authorizing Agents; Consent for Cremation, Disinterment or Embalming

A.R.S. §36-831, Burial Duties; Notification Requirements; Failure to Perform Duty